

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : **CONSENT PRELIMINARY**  
 : **ORDER OF FORFEITURE/**  
 - v. - : **MONEY JUDGMENT**

YURIY ZAYONTS, : S14 12 Cr. 171 (JPO)  
 a/k/a "KGB" :  
 :  
 Defendant. :  
 :  
 - - - - - X

WHEREAS, on or about May 21, 2013, YURIY ZAYONTS, a/k/a "KGB" (the "defendant"), was charged in Superseding Indictment S14 12 Cr. 171 (JPO) (the "Indictment") with racketeering conspiracy, in violation of 18 U.S.C. § 1962(d) (Count One); conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349 (Count Two); conspiracy to commit mail fraud, in violation of 18 U.S.C. § 1349 (Count Three); and conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(h) (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Count Two seeking forfeiture to the United States, pursuant to 18 U.S.C. § 982(a)(7), of all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense alleged in Count Two of this Indictment, including but not limited to at least \$110 million in United States

currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the health care fraud conspiracy offense;

WHEREAS, on or about January 28, 2014, the defendant pled guilty to Count Two of the Indictment pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation as to Count Two and agreed to forfeit to the United States (i) a sum of money equal to \$360,574.85 in United States currency, representing the amount of gross proceeds obtained from the offense charged in Count Two of the Indictment, specifically through the defendant's involvement in Americhoice Medical P.C., Medway Medical Diagnostics Care, P.C., Richmond Medical Diagnostics P.C., and Victory Medical Diagnostics, P.C.; and (ii) all of the defendant's right, title and interest in funds seized from the following accounts (together, the "Seized Funds"):

- 1) Account no. 483030419990, held in the name of Grand Concourse Medical PC at Bank of America;
- 2) Account no. 483039116168, held in the name of Paragon Medical Care PC at Bank of America;
- 3) Account no. 672776324, held in the name of Medway Medical Diagnostics Care PC at HSBC;
- 4) Account no. 672776090, held in the name of Tri-State Billing Corp. at HSBC; and

- 5) Account no. 672775492, held in the name of No Limits Funding Corp. at HSBC;

WHEREAS, the defendant consents to the imposition of a money judgment in the amount of \$360,574.85 in United States currency, representing the amount of gross proceeds obtained as a result of the offense charged in Count Two, pursuant to 18 U.S.C. §§ 982(a)(7), as well as pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c);

WHEREAS, the defendant further consents to the forfeiture of all of his right, title and interest in the Seized Funds;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3) and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Seized Funds to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Preet Bharara, United States Attorney, Assistant United States Attorneys Daniel S. Goldman, of counsel, and the defendant, and his counsel, Frederick P. Hafetz, Esq. that:

1. As a result of the offense charged in Count Two of the Indictment, a money judgment in the amount of \$360,574.85 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offense charged in Count Two of the Indictment, all of the defendant's right, title and interest in the Seized Funds is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853. Upon entry of a Final Order of Forfeiture as to the Seized Funds, the value of the Seized Funds forfeited will be credited to the Money Judgment.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Order is final as to the defendant, YURIY ZAYONTS, a/k/a "KGB," and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Marshal Service (or its designee) is authorized to seize the Seized Funds and hold the Seized Funds in its secure, custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Consent Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Seized Funds must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Seized Funds, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Seized Funds and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

7. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to

any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Seized Funds pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

9. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

10. Upon execution of this Consent Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

11. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United

States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

13. The Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

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14. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By: 

DANIEL S. GOLDMAN  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
Tel.: (212) 637-2289

1/28/14  
DATE

YURIY ZAYONTS, a/k/a "KGB," DEFENDANT

By: 

YURIY ZAYONTS

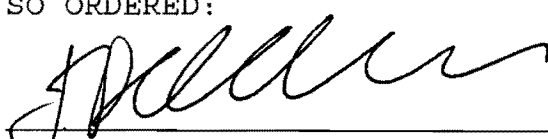
1/28/14  
DATE

By: 

~~FREDERICK P. HAFETZ~~. ESQ.  
Hafetz Necheles & Rocco  
500 Fifth Avenue, 29th Floor  
New York, NY 10110  
T: 212-997-7400

1/28/14  
DATE

SO ORDERED:

  
HONORABLE J. PAUL OETKEN  
United States District Judge

1/28/14  
DATE